

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, APRIL 8, 2014 – 7:00 P.M.

Prayer offered by Councilwoman Angelia Williams, followed by the Pledge of Allegiance.

The following members were present: Ms. Green, Mr. Riddick, Dr. Whibley Mr. Smigiel, Mr. Winn, Ms. Williams and Mr. Fraim.

President Fraim moved to excuse Mr. Protogyrou from today's meeting.

Motion adopted.

Yes: Green, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Green, Riddick, Whibley, Smigiel, Williams, Winn and Fraim.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective April 8, 2014.

Yes: Green, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

CEREMONIAL MATTER

President Fraim presented Coach Saundra Sawyer and the Lake Taylor High School Lady Titans basketball team with the following Resolution recognizing the team's third state basketball championship.

WHEREAS, after winning Group AAA state championships in 2010 and 2013, the Lake Taylor High School Titans Girls Basketball Team is recognized regionally and across the Commonwealth as a basketball powerhouse; and

WHEREAS, under the leadership of Head Coach Saundra Sawyer, the Lady Titans turned in another outstanding performance for the 2013-2014 regular season that propelled them into the playoffs; and

WHEREAS, the Lady Titans defeated the Glen Allen Jaguars 64-42 in the Group 4A South Region semi-final game and went on to defeat the Woodrow Wilson Presidents by a score of 44-39 to secure the Group 4A South Region championship, the first region title for Coach Sawyer and the Lady Titans; and

WHEREAS, the Lake Taylor Lady Titans advanced to the Group 4A state tournament where they defeated the Loudon County Raiders 42-37 in the semi-finals thereby advancing to the state championship game; and

WHEREAS, in the state title game played at Virginia Commonwealth University's Siegel Center on March 13, 2014, the Lake Taylor Lady Titans defeated the Lady Colonels of William Fleming High School from Roanoke by a score of 57-50 to clinch their second consecutive and third overall state basketball championship.

NOW, THEREFORE, Be It Resolved:

Section 1: That the Council of the City of Norfolk, on behalf of the entire community, hereby expresses great pride in the Lake Taylor High School Girls Basketball Team, Head Coach Saundra Sawyer and her staff.

Section 2: That the Council offers them warmest congratulations on the occasion of the historic achievement of winning the last Group AAA state championship and winning the first Group 4A state championship.

Section 3: That this resolution be recorded in the permanent proceedings of the City Council and that a copy be presented to Coach Sawyer and her team.

ACTION: The Resolution as introduced was **adopted**, effective April 8, 2014.

Yes: Green, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

President Fraim read a Proclamation proclaiming the month of **April** as **Sexual Assault Awareness Month**. The proclamation was accepted by Ruth Jones, Executive Director of the **YWCA of South Hampton Roads**.

President Fraim read a Proclamation proclaiming the week of **April 6th** thru **April 12th** as **Crime Victims' Rights Week**. The proclamation was accepted by Greg Underwood, Commonwealth's Attorney and Heather Fuss, Assistant Director of Victim/Witness Assistance Program.

President Fraim read a proclamation proclaiming **April 13th** thru **19th** **National Public Safety Telecommunicators Week**. The proclamation was accepted by Jim Redick, Director of Emergency Preparedness and Response, along with other staff members.

PUBLIC HEARING

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on approving a **Nonexclusive Conduit Construction Franchise Agreement** between the **City of Norfolk** and **Sidera Networks, LLC**.

Thereupon, an Ordinance entitled, "An Ordinance approving a **Nonexclusive Conduit Construction Franchise Agreement** with **Sidera Networks, LLC**," was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 9, 2014.

Yes: Green, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

CONSENT AGENDA

C-1

Letter from the City Clerk presenting the request for use of the **Mace** for the **Flag Raising Ceremony on April 25, 2014** and for the **Parade of Nations** to be held on **April 26, 2014**.

ACTION: Use of Mace approved.

Yes: Green, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

REGULAR AGENDA

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to **Sea Sisters, LLC** authorizing the operation of an entertainment establishment known as **‘Bean There Coffeehouse Café’** on property located at **223 East City Hall Avenue,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 8, 2014.

Yes: Green, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to **Smartmouth Brewing Co., LLC** authorizing the operation of an entertainment establishment known as **‘Smarthmouth Brewing Co.’** on property located at **1309 Raleigh Avenue,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 8, 2014.

Yes: Green, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Downtown Development Certificate** to permit the construction of a multiple-family residential building on property located at **252 West Tazewell Street,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 8, 2014.

Yes: Green, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to **Maya’s Enterprise, Inc.** authorizing the operation of an entertainment establishment known as **‘328 Tequila’** on property located at **328 West 20th Street,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 8, 2014.

Yes: Green, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-5

Letter from the City Manager and the following three Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** to **CVS Pharmacy** to permit a retail goods establishment to operate after midnight on property located at **3717 Hampton Boulevard,**” was introduced in writing and read by its title.

Randy Royal, 501 Independence Parkway, Virginia Beach, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective April 8, 2014.

Yes: Green, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-5A

An Ordinance entitled, “An Ordinance granting a **Special Exception** to **CVS Pharmacy** to permit the operation of a Commercial Drive-Through on property located at **3717 Hampton Boulevard,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 8, 2014.

Yes: Green, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-5B

An Ordinance entitled, “An Ordinance granting a **Special Exception to CVS 10021 VA, LLC** authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as ‘**CVS Pharmacy**’ on property located at **3717 Hampton Boulevard**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 8, 2014.

Yes: Green, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception to Pivot Center** to permit the operation of an **Indoor Recreational Sports Facility** on property located at **3412 Inventors Road**,” was introduced in writing and read by its title.

Heather McPherson, 207 Field Stone Lane, Suffolk, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective April 8, 2014.

Yes: Green, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception to Russell Richardson** to permit the operation of an **Automobile and Truck Repair Facility** on property located at **2635 Arkansas Avenue**,” was introduced in writing and read by its title.

Russell Richardson, P.O. Box 353, Barco, NC, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective April 8, 2014.

Yes: Green, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the acceptance of \$34,180.00 in funds from **Nextel Communications** of the **Mid-Atlantic, Inc. (“Nextel”)** to reimburse the City of Norfolk for its costs to reconfigure the **800 MHZ** band in accordance with its **Frequency Reconfiguration Agreement** with **Nextel** pursuant to orders of the **Federal Communications Commission,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 8, 2014.

Yes: Green, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain the **Norfolk City Code, 1979, SO AS TO** add one **New Section, Numbered 12-141.5**, relating to the creation of 138 graves in the re-subdivision of 105-A, in a portion north of existing **Blocks 99 and 100, Calvary Cemetery Annex,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 8, 2014.

Yes: Green, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-10

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting permission to **City Center Plume Associates, L.L.C.** to encroach into the right-of-way of **Plume Street** at **216 E. Plume Street** for the purpose of outdoor dining in accordance with the terms and conditions of the **Encroachment Agreement,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 8, 2014.

Yes: Green, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-11

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain **Section 11.1-16** of the *Norfolk City Code, 1979*, **SO AS TO** conform to the State Code,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 8, 2014.

Yes: Green, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-12

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a grant application in the amount of \$135,545.00 to the **Commonwealth of Virginia, Department of Criminal Justice Services**, to support the continuation of the **Violence Against Women V-Stop Program** and appropriating and authorizing the expenditure of \$46,392.00 in grant funds and \$89,153.00 in local matching funds for the program,” was introduced in writing and read by its title.

Betsy Powell, 312 North Shore Road, was present to answer questions.

ACTION: The Ordinance as introduced was **adopted**, effective April 8, 2014.

Yes: Green, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-13

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a **Virginia Domestic Violence Victim Fund** grant award of \$40,000.00 from the **Virginia Department of Criminal Justice Services** for the support of personnel costs for a Program paralegal to assist in the prosecution of misdemeanors and felonies involving **Domestic Violence, Sexual Abuse, Stalking and Family Abuse** and appropriating and authorizing the expenditure of the grant funds for payroll and medical benefit coverage expenses for the program employee,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective April 8, 2014.

Yes: Green, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

NEW BUSINESS

1. Margaret Dale, 5413 Douglas Street, thanked Council for the improvements that have been made to the Therapeutic Center and stated that more renovations need to be made to match the expansion.
2. Dan Montague, 4605 Krick Street, spoke concerning the recent charges that will be placed against citizens when they use their credit cards to pay their taxes and asked Council why are seniors being picked on.
3. Danny Lee Ginn, 3844 Dare Circle, commented on good government.